IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NOs: 13865 of 1994 and 5669 of 1996

Writ Petition No: 13865 of 1994

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Between:

1. M.Narayana Reddy, S/o Shri Chandra Reddy,
   R/o Khairtabad, Hyderabad.
2. M.Surrender Reddy, S/o Satya Reddy,
   R/o Khairtabad, Hyderabad.

..... PETITIONERS

AND

1 The District Collector, Hyderabad.
2 The Revenue Divisional Officer, Hyderabad.
3 The Mandal Revenue Officer, Golconda Mandal, Hyderabad.
4 Hyderabad Urban Development Authority, rep by its Chairman & MD,

Begumpet, Hyderabad.
5 A.P.Urban Development & Housing Corpt., rep by its MD, Hyderguda,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring that the action of the respondents No.1 and 2 in allotting the patta land to the Hyderabd Urban Development Authority is arbitrary and illegal and

issue a writ of mandamus forbearing the authorities from interfering with the peaceful possession and enjoyment of the open land in Survey No.4,5 and 6 measuring 5 acres 28 guntas of Khairatabad Village.

Counsel for the Petitioner: MR.A.NARASIMHA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 & 5: Mr.K.Janardhan Rao

WRIT PETITION NO : 5669 of 1996

Between:

1 M.Narayana Reddy, s/o late Chandra Reddy,
r/o Khairatabad, Hyderabad.
2 M.Subash Chandra Reddy, S/o M.Venkata Reddy,
r/o Khairatabad, Hyderabad.
3 M.Surrender, S/o Shri late Satya Reddy,
r/o Khairatabad, Hyderabad.
4 M.Narsimha Reddy, S/o late M.Jagan Mohan Reddy,
r/o Khairatabad, Hyderabad.
5 Mrs M.Sumathi, W/o Chandrasekhar Reddy,
r/o Khairatabad, Hyderabad.
6 Vikramasimha Reddy, S/o M.Damodar Reddy,
r/o Khairatabad, Hyderabad.
7 M.Laxmi Narasamma, W/o M.Chandra Reddy,
r/o Khairatabad, Hyderabad.
8 M.Bhaskar Reddy, S/o Shri late M.Chandra Reddy,
r/o Khairatabad, Hyderabad.

..... PETITIONERS

AND

1 The Special Officer and Competent Authority,
ULC, Hyderabad.
2 The District Collector,
Hyd Dist., Hyderabad.
3 The Mandal Revenue Officer,
Golconda, Hyd.
4 The Asst.Engineer,
Social Welfare, Social Welfar Office, Masab Tank, Hyd.
5 The Circle Inspector of Police,
P.S.Sifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring

that the action of the respondents No.1 to 3 herein in allotting the land which is not the subject matter of surrender to the 4th respondent as arbitrary and illegal and fore-bear the authorities from interfering with the peaceful possession and enjoyment of the petitioners in respect of the open land in Survey No.4,5 and 6 situated at khairatabad Village, Hyd, measuring 5 acres 20 guntas.

Counsel for the Petitioner : MR.A.NARASIMHA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 & 5: None appeared.

The Court made the following COMMON ORDER:

The case of the petitioners is that they have already surrendered some land. Some of the land surrendered by them was in possession of trespassers. Without evicting the trespassers, the Government was bent upon taking the land from the petitioners, which they were entitled to, after surrendering the surplus land.

In the Counter-affidavit, the respondents have stated that surplus land measuring 3,183.19 sq.mtrs was taken over on 3-10-1994 and handed over the same to Mandal Revenue Officer, Golkonda on the same day under a cover of Panchanama. The Government has already issued orders in G.O.Ms.No.215, Rev. (UC.I) Dept., dt.29-02-1996, allotting the said land in favour of Commissioner, Social Welfare Dept., for construction of Babu Jagjeevan Ram Bhavan.

In view of the clear stand taken by the respondents that the land in surplus has already been taken over by them as early as in the year 1994, I do not think any grievance of the petitioner survives, because whatever had to be taken from the petitioners as surplus had already been taken in the year 1994, and that order is not under challenge before us.

If the petitioners have any grievance against the final orders passed under Sections 9 and 10 of the Land Acquisition Act, in consequence of which the land was taken in the year 1994 and allotted to Social Welfare Dept., they may work out their remedies, if any, available in law.

Writ Petitions are accordingly disposed of. No costs.

25th November, 2004

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To

1 The District Collector, Hyderabad.
2 The Revenue Divisional Officer, Hyderabad.
3 The Mandal Revenue Officer, Golconda Mandal, Hyderabad.
4 The Chairman & MD, Hyderabad Urban Development Authority,

Begumpet, Hyderabad.
5 The Managing Director, A.P.Urban Development & Housing Corpt.,

Hyderguda, Hyderabad.

6 The Special Officer and Competent Authority,
ULC, Hyderabad.
7 The Asst.Engineer,
Social Welfare, Social Welfar Office, Masab Tank, Hyd.
8 The Circle Inspector of Police,
P.S.Sifabad, Hyderabad.

9 Two C.Cs to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

10 Two C.D. Copies.